IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Bail Appl..No. 264 of 2007()

Crime No.1298/06 of Karunagappally Police Station

: PETITIONER/ACCUSED NO.3

ABDUL SALAM,
S/O.IBRAHIM KUTTY, KUREETHARAKIZHAKKATHIL,
THODIYUR AMSOM, KARUNAGAPPALLY TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT
---

1. STATE OF KERALA THROUGH
THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION.

2. THE CIRCLE INSPECTOR OF POLICE,
KARUNAGAPPALLY.
(RESPONDENTS 1 AND 2 REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.)

BY PUBLIC PROSECUTOR SHRI P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

==========

B.A.No. 264 of 2007

==========

Dated this the 24th day of January, 2007.

ORDER

Petitioner, who is the third accused in Crime No.1298 of 2006 of Karunagappally Police Station for offences punishable under Sections 143, 147, 148, 323, 324, 307 and 427 read with Section 149 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 25.11.2006 at about 11.45 a.m. while the de facto complainant along with the members of his family were travelling in an autorickshaw, the accused persons including the petitioner armed with iron pipes and swords had assaulted the de facto complainant and other members of his family for allegedly defecting from N.D.F.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for regular bail considered by the Magistrate expeditiously. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day

between 25.1.2007 and 30.1.2007 for the purpose of interrogation and recovery of incriminating material, if any. The petitioner shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall release the petitioner on bail on appropriate conditions.

This application is allowed as above.

V.Ramkumar,
Judge.

ess 24/1